

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SAMUEL KATZ, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

CALIBER HOME LOANS, INC. and
CONVERSION KINGS, LLC

Defendants.

Case No. 23-cv-145

AFFIDAVIT OF SAMUEL KATZ

1. I, Samuel Katz, am over the age of eighteen and, if called to testify in this action, could state the following.

2. I am the plaintiff in this lawsuit.

3. I am the user of the telephone number (207) 802-XXXX

4. I placed this telephone number on the Do Not Call Registry.

5. During the telemarketing calls I received from Conversion Kings, who I previously thought was Caliber calling me, since Conversion Kings failed to properly identify themselves, I did the same.

6. In order to identify the legal entity behind this call, I interacted with the telemarketer as I understood from my past experience dealing with illegal telemarketers that a transfer would then be made to the entity responsible for the call, who could then be identified and held to account for its illegal actions. A transfer was subsequently made.

7. After engaging the caller, the only real company name identified as part of the calls was Caliber.

8. I, and other class members, were harmed. We were temporarily deprived of the legitimate use of our phones, as a result of the illegal telemarketing call, our privacy rights were invaded, and our statutory rights as recognized by the TCPA were violated. Illegal telemarketing calls are frustrating, obnoxious, and annoying. They are a nuisance and disturbed the solitude of myself and all similarly situated class members.

9. I have reviewed the declaration of Frank Wood and associated documents.

10. The first “opt in” does not have a website.

11. With respect to the second “opt in”, I do not recognize that website, lenderconsultant.com, and do not believe I have ever been to that website prior to this lawsuit.

12. There are other errors in that data.

13. There is no 92A Lincoln St. in Dover-Foxcroft, ME. I did not input that address on any website.

14. The Zip Code for Dover-Foxcroft, ME is incomplete.

15. The list of “lenders” on lendingconsultant.com includes auto warranty companies, insurance companies, medical companies, and other lead generators.

16. Furthermore, my IP address is not the same IP address that the report claims visited that website.

17. The IP address from the report is 75.106.40.166.

18. That IP address is in New York.

19. I was not in New York in on the date the lead generation form was fraudulently submitted and did not use a VPN to hide my IP address location.

20. Furthermore, the IP address references Charter Communications.

21. At that time, I was using Cox Communications for internet at my home in Arkansas.

22. I also sold my property at 92 Lincoln Street in Maine in March of 2021.

23. I would not have been looking to refinance that property in June of 2021 because it was owned by someone else.

24. I would not have submitted a refinancing request for a home that I no longer owned because it would be a waste of time. I initiated this lawsuit in part because of the time that illegal telemarketing costs consumers.

25. I was also not looking to refinance the property in 2019 because I was looking at buying a different home in Maine located in a different municipality.

Executed under the pains and penalties of perjury at Bella Vista, Arkansas this 6th day of October, 2023.

DocuSigned by:

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Samuel Katz